

**United States District Court**  
For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SHERI L. KENDALL, et al.,

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Plaintiff,

No. C 04-04276 JSW

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v.

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VISA U.S.A. INC., et al.,

**NOTICE OF TENTATIVE  
RULING AND QUESTIONS**

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Defendants.

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE  
NOTICE OF THE FOLLOWING QUESTIONS FOR THE HEARING SCHEDULED ON **July  
8, 2005 at 9:00 A.M.**:

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The Court has reviewed the parties' memoranda of points and authorities and, thus, does not wish to hear the parties reargue matters addressed in those pleadings. If the parties intend to rely on authorities not cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these authorities reasonably in advance of the hearing and to make copies available at

the hearing. If the parties submit such additional authorities, they are ORDERED to submit the citations to the authorities only, without argument or additional briefing. *See* N.D. Civil Local Rule 7-3(d). The parties will be given the opportunity at oral argument to explain their reliance on such authority.

The Court tentatively GRANTS the Bank Defendants' motion to dismiss without leave to amend.

The parties shall have ten minutes to address the following questions:

- What bearing do the cases cited in Plaintiffs' opposition brief at pages 6-7 in support of their third claim for consortium marketing have on the claims asserted in the first amended complaint? If membership in an association is as a matter of law insufficient to sustain a Section 1 claim, how does Plaintiff attempt to maintain a cause of action under the theory of consortium marketing?
- Are there any other issues the parties wish to address?

Dated: July 6, 2005

/s/ Jeffrey S. White  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE